

FILED  
2008 MAR 19 PM 12:45  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
FNUK DEPUTY

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

**ARREST ON OUT-OF-DISTRICT OFFENSE**

CASE NUMBER: **'08 MJ 0864**

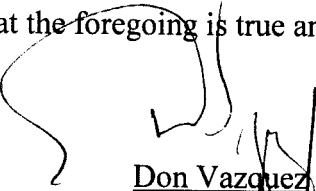
The person charged as Santos-Barrigan, Mario "Aka" Erasmo Diaz-Gonzales now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Northern District of California on 8/30/07 with Title 18 USC 3583 (e)(3), in violation of:

Violation of Supervised Release

The charging documents and the warrant for the arrest of the defendant which was issued by the above United States District Court are attached hereto.


I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 3/19/08

  
Don Vazquez  
CI -Deputy United States Marshal

Reviewed and Approved

DATE: 3/19/08

  
Assistant United States Attorney

1331633  
Q 442 (Rev. 5/93) Warrant for Arrest

United States District Court  
Northern District of California

E-FILING

UNITED STATES OF AMERICA,

v.

WARRANT FOR ARREST

**Mario Santos-Barrigan**

"Aka" Erasmo-Diaz-Gonzales

Case Number: **CR-07-00342-JF**

**Dis** →  
To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Mario Santos-Barrigan "Aka" Erasmo Diaz-Gonzales  
and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☐ Complaint  
☐ Order of Court ☐ Violation Notice ☒ Probation Violation Petition

charging him or her with:

**Violation of Supervised Release**

in violation of Title 18 United States Code, Section(s) 3583

**Cita F. Escolano**

Name of Issuing Officer

*Cita F. Escolano*

Signature of Issuing Officer

Bail fixed at \$ NO BAIL

by

**Deputy Clerk**

Title of Issuing Officer

8/30/07 San Jose, CA

Date and Location

**Jeremy Fogel**

Name of Judicial Officer

**RETURN**

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

Date of Arrest

Name and Title of Arresting Officer

Signature of Arresting Officer

**UNITED STATES DISTRICT COURT**

for  
NORTHERN DISTRICT OF CALIFORNIA  
San Jose Venue

**Filed**

AUG 28 2007

**Petition for Arrest Warrant for Offender Under Supervision**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

Name of Offender: Mario Santos-Barrigan  
aka Erasmo Diaz-Gonzales Docket No.: CR 07-00342-001 JF

Name of Sentencing Judge: Jeremy Fogel  
United States District Judge

Date of Original Sentence: June 27, 2007

Original Offense:

Count One: Illegal Re-entry Following Deportation, 8 U.S.C. § 1326, Class C Felony

Original Sentence: Time served, three years supervised release.

Special Conditions: special assessment \$100.00; comply and cooperate with ICE;

Type of Supervision: Supervised Release

Date Supervision Commenced: June 27, 2007

Assistant U.S. Attorney: Benjamin T. Kennedy

Defense Counsel: Nicholas P. Humy (AFPD)

**Petitioning the Court**

The issuance of a no bail warrant for the offender's arrest.

I, Juan F. Ramirez, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

Mario Santos-Barrigan aka Erasmo Diaz-Gonzales  
CR 07-00342-001 JF

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<u>Charge Number</u>	<u>Violation</u>
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One

There is probable cause to believe that the offender violated the general condition that states the defendant shall not commit another federal, state or local crime.

On August 22, 2007, written correspondence from Immigration and Customs Enforcement (ICE), stated that the defendant was deported on July 2, 2007.

On or about July 6, 2007, the offender re-entered the United States after being deported, in violation of 8 U.S.C. § 1326, without the express consent of the Secretary of the Department of Homeland Security.

On July 6, 2007, Senior U.S. Border Patrol Agent J. Krawcion attempted to contact a stopped vehicle to inquire if assistance was needed. The vehicle stopped near California State Route 94 and California State Route 188, which is approximately two miles north of the U.S. and Mexico Border in Southern California. This is known as a boarding place from which illegal aliens are smuggled further into the United States. Upon approaching the vehicle, the driver attempted to pull out and accelerate away. The vehicle's rear tire separated from the vehicle and agent Krawcion noticed several individuals crouching down behind the front seat. Agent Krawcion identified himself and questioned the occupants in the vehicle as to their citizenship. The offender identified himself as Erasmo Diaz-Gonzales, also known as Mario Santos-Barragon, and stated he is a citizen and national of Mexico, illegally present in the United States. Agent Krawcion arrested the offender and transported him to the California State Route 94 Border Patrol Checkpoint for processing.

A routine record check revealed that the offender had a criminal and immigration record. The offender's record was determined by a comparison of his criminal record and the defendant's fingerprint card.

Evidence of this violation can be obtained from the United States District Court Southern District of California complaint #07-MJ-1605 and the written correspondence from ICE date August 22, 2007. The offender is scheduled to appear in the United States District Court Southern District of California on August 29, 2007, at 9:30 a.m.

Mario Santos-Barrigan aka Erasmo Diaz-Gonzales  
CR 07-00342-001 JF

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Two

There is probable cause to believe that the offender violated special condition number one that states the defendant shall comply with the rules and regulations of the Bureau of Immigration and Customs Enforcement and, if deported, not reenter the United States without the express consent of the Secretary of the Department of Homeland Security.

On August 22, 2007, written correspondence from Immigration and Customs Enforcement (ICE), stated that the defendant was deported on July 2, 2007.

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Address of offender:

In custody

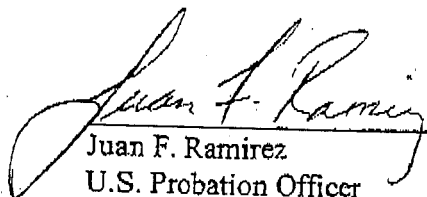
Metropolitan Correctional Center (MCC) in San Diego

Mario Santos-Barrigan aka Erasmo Diaz-Gonzales  
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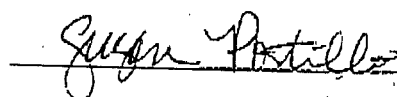
Based on the foregoing, there is probable cause to believe that Mario Santos-Barrigan aka Erasmo Diaz-Gonzales violated the conditions of his supervision. Therefore, I ask the Court to issue a no bail warrant for his arrest.

Respectfully submitted,



Juan F. Ramirez  
U.S. Probation Officer  
Date Signed: August 27, 2007

Approved as to form:



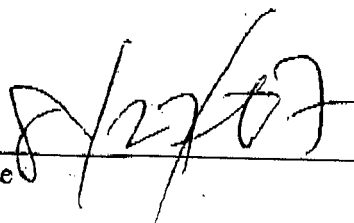
Supervisory U.S. Probation Officer

Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

☒ The issuance of a no bail warrant.

☐ Other:

Date



Jeremy Fogel

United States District Judge